

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CR-54-1FL

UNITED STATES OF AMERICA)
)
 v.)
)
SCOTT F. HERRING)

AMENDED FINAL ORDER OF FORFEITURE

This matter is before the Court on motion by the Government to amend the Final Order of Forfeiture entered on November 5, 2013. Good cause appearing for the motion, and it also appearing that all parties affected by this amendment, Bank of America, N.A. and Andrea Herring, have been notified and consent to the motion, this Amended Final Order of Forfeiture is entered:

WHEREAS, on March 7, 2013, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets pursuant to the provision of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, based upon the defendant pleading guilty to 18 U.S.C. §§ 371 and 2342, and agreeing to the forfeiture of the property listed in the March 7, 2013 Preliminary Order of Forfeiture as to Substitute Assets, to wit:

Real Property

- a) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, described as 1.22 acres of vacant land on Hood Swamp Road,

Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1573, pages 763-764 of the Wayne County Register of Deeds. Being titled in the name of Scott F. Herring.

- b) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 178 Hood Swamp Road, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1573, pages 763-764 of the Wayne County Register of Deeds. Being titled in the name of Scott F. Herring.
- c) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 5058 Wayne Memorial Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1867, pages 323-324 of the Wayne County Register of Deeds. Being titled in the names of Scott F. Herring and wife, Andrea S. Herring.
- d) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 7 North Quail Croft Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 2069, pages 563-565

of the Wayne County Register of Deeds. Being titled in the name of Scott Herring.

- e) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 100 Camden Park Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1689, pages 381-382 of the Wayne County Register of Deeds. Being titled in the names of Scott F. Herring and wife, Andrea J. Soto Herring.
- f) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 177 Titlest Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 2385, pages 310-311 of the Wayne County Register of Deeds. Being titled in the name of Scott Forrest Herring;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between March 29, 2013 and April 27, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication

date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property (Doc. #61);

AND WHEREAS, the United States effected service of the Court's March 7, 2013 Preliminary Order of Forfeiture as to Substitute Assets upon the following potential petitioners (Doc. #61):

a) Wayne County Tax Administrator, Goldsboro, North Carolina on July 8, 2013 via certified mail;

b) Chase Mortgage Company, Columbus, Ohio on June 5, 2013 via certified mail;

c) Chase Record Center, Monroe, Louisiana on June 4, 2013 via certified mail;

d) Chase Mortgage Company on August 15, 2013 via electronic mail;

e) Trustee Services of Carolina c/o Aaron B. Anderson, Registered Agent, Wilmington, North Carolina on April 15, 2013 via certified mail;

f) Countrywide Home Loans, Inc., Calabasas, California on April 15, 2013 via certified mail;

g) Countrywide Home Loans, Inc., c/o CT Corporation System, Registered Agent, Dallas, Texas on April 15, 2013 via certified mail;

h) Andrea Soto Herring, Goldsboro, North Carolina on April 14, 2013 via certified mail;

i) Rebecca W. Shaia, Henrico, Virginia on April 13, 2013 via certified mail;

j) Suntrust Mortgage, Inc. c/o CSC-Lawyers Incorporating Service, Inc., Registered Agent, Montgomery, Alabama on April 12, 2013 via certified mail;

k) Marty Steven McConchie, Attorney at Law, Trustee, on April 12, 2013 via certified mail;

l) Suntrust Bank, Richmond, Virginia on April 12, 2013 via certified mail;

m) Suntrust Bank on August 15, 2013 via electronic mail;

n) Mortgage Electronic Registration Systems, Inc. (MERS), Reston, Virginia on April 12, 2013 via certified mail;

o) S. Reed Warren, Trustee, Goldsboro, North Carolina on April 11, 2013 via certified mail;

AND WHEREAS, the subject real properties were served by the U. S. Marshal's Service on April 25, 2013 (Doc. #36, pages 1 - 5) and May 13, 2013 (Doc. #53);

AND WHEREAS, on May 3, 2013, Andrea Soto Herring filed a Petition of Interest in 5058 Wayne Memorial Drive and 100 Camden Park Drive (Doc. #37). On May 8, 2013, the United States filed a Notice Recognizing Ms. Herring's Petition. The Government shall release its interest in these properties to Ms. Herring by transferring its interest to her by non-warranty deed, subject to any pre-existing interest, including but not limited to that held by petitioner Bank of America ("BANA") in 100 Camden Park Drive;

AND WHEREAS, on June 7, 2013, Green Tree Servicing LLC filed a Petition of Interest in 178 Hood Swamp Road (Doc. #51). On June 11, 2013, the United States filed a Notice Recognizing Green Tree Servicing LLC's Petition. The proceeds of the sale, after the payment of the costs of sale, will first be used to pay the outstanding balance of the lien that Green Tree Servicing LLC has on the subject real property, with the remainder of the proceeds to the United States;

AND WHEREAS, on June 13, 2013, BANA filed a Petition of Interest in three of the subject properties, to wit: 1) 7 North Quailcroft Drive, 2) 100 Camden Park Drive, and 3) 177 Titlest Drive (Doc. #57)(herein collectively the "BANA Properties"). On June 14, 2013, the United States filed a Notice Recognizing Bank of America's Petition and Bank of America's lien interests in the BANA properties. The proceeds of the sale of 7 North Quailcroft Drive, after the payment of the costs of sales, will first be used to pay the outstanding balance of the liens that Bank of America has on each of these named BANA Properties, with the remainder of the proceeds to the United States. In respect to 177 Titleist Drive, the Government will proceed no further with its forfeiture, permitting BANA to proceed to foreclose on the property;

AND WHEREAS, it appears from the record that no other claims, contested or otherwise, have been filed for the property

described in this Court's March 7, 2013 Preliminary Order of Forfeiture as to Substitute Assets, other than those specifically mentioned herein;

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the property listed in the March 7, 2013 Preliminary Order of Forfeiture as to Substitute Assets is hereby forfeited to the United States, subject only to the interests set forth herein. The United States Department of Justice is directed to dispose of the property according to law and in accordance with this Order by selling or conveying its interest in the property as set forth in this Order.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 2nd of day April, 2014.



LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE